



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

PODSAKOFF et al.

Serial No.: 10/092,454

Art Unit: 1632

Filing Date: March 5, 2002

Examiner: A. Wehbe

Title: METHODS FOR DELIVERING DNA TO MUSCLE CELLS USING
RECOMBINANT ADENO-ASSOCIATED VIRUS VIRIONS

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, Roberta L. Robins, state that I am an attorney of record in the above-captioned application and am a representative authorized to sign this document on behalf of Genzyme Corporation and Johns Hopkins University, the co-assignees for this invention.

2. Assignee Genzyme Corporation is a corporation, having a place of business at 500 Kendall Street, Cambridge, MA 02142.

3. Assignee Johns Hopkins University is a corporation, having a place of business at 720 Rutland Avenue, Baltimore, MD 21205.

4. The co-assignees are the owners of the entire right, title and interest in the invention disclosed and claimed in the above-captioned application, U.S. Serial No. 10/092,454, filed March 5, 2002, by virtue of assignments recorded July 31, 2003 at Reel 013842, Frames 0787 and 0754 and September 13, 2006, at Reel 018239, Frame 0292 and are also the co-owners of the entire right, title and interest in U.S. Patent No. 6,610,290, by virtue of assignments recorded May 5, 1997 at Reel 8493, Frame 0569, May 8, 1997 at Reel 8493, Frame 0150 and September 13, 2006, at Reel 018239, Frame 0292.

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5. In accordance with 37 C.F.R. §3.73(b), the undersigned hereby certifies that the evidentiary documents with respect to the assignees' ownership have been reviewed and that, to the best of her knowledge and belief, title is in the assignees seeking to take this action.

6. The assignees hereby disclaim the terminal part of any patent granted on the above-captioned application Serial No. 10/092,454 which would extend beyond the expiration date of U.S. Patent No. 6,610,290 and agrees that any patent granted on the herein U.S. Application Serial No. 10/092,454 will be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,610,290, this agreement to run with any patent granted on the above-captioned application Serial No. 10/092,454 and to be binding upon the grantees, their successors or assigns.

7. In making this disclaimer, the assignees do not disclaim the terminal part of any patent granted on the above-captioned application Serial No. 10/092,454 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,610,290, as presently shortened by any terminal disclaimer, in the event that it later (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (e) has all claims cancelled by a reexamination certificate, (f) is reissued, or (g) is, in any manner, terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

8. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Executed at PALO ALTO, CA.

By: [Signature]

Title: Attorney of Record

Date: 10/16/06